

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 23-cr-31(3) (JNE/TNL)

Plaintiff,

v.

ORDER

Rosco Demar Lewis,

Defendant.

This matter comes before the Court on Defendant Rosco Demar Lewis’s Motion for Continuance, ECF No. 133. Defendant has also filed a Waiver of Speedy Trial Rights, ECF No. 135.

This matter was scheduled for a motions hearing on January 22, 2024. ECF No. 117 at 2; *see also* ECF No. 134 (continuing hearing to a date and time to be determined). Defendant states that the Government “very recently provided . . . previously undisclosed discovery materials,” which have given rise to “the need to file a motion for a *Franks* hearing.” ECF No. 133 at 1. Defendant intends to file the motion shortly and requests that the motions hearing be continued “for a time between three and four weeks from the time of this filing.” ECF No. 133 at 1. The Government is in agreement with the request to continue the hearing.

In e-mail correspondence with the Court, the parties have agreed to the following scheduling for new filing, briefing, and hearing dates: motion due January 30, 2024; response to the motion and any revised notice of intent to call witnesses due February 13,

2024; any responsive notice of intent to call witnesses due February 16, 2024; and motions hearing on February 20, 2024, at 1:30 p.m.

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy trial and such continuance is necessary to provide the parties and their respective counsel reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion for Continuance, ECF No. 133, is **GRANTED**.
2. The period of time from **the date of this Order through January 30, 2024**, shall be excluded from Speedy Trial Act computations in this case.
3. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **January 30, 2024**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses shall be delivered directly to the chambers of Magistrate Judge Leung.
4. All responses to motions shall be filed by **February 13, 2024**. D. Minn. LR 12.1(c)(2).
5. Any revised Notice of Intent to Call Witnesses shall be filed by **February 13, 2024**. D. Minn. LR 12.1(c)(3)(A).
6. Any Responsive Notice of Intent to Call Witnesses shall be filed by **February 16, 2024**. D. Minn. LR 12.1(c)(3)(B).

7. The motions hearing shall take place before the undersigned on **February 20, 2024, at 1:30 p.m.**, in Courtroom 9W, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota. D. Minn. LR 12.1(d).

8. **TRIAL: The trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Joan N. Ericksen to confirm the new trial date.**

Dated: January 22, 2024

s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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